

**United States District Court
District of New Mexico**

UNITED STATES OF AMERICA,

v.

DANIEL ARCHULETA

Case Number: 19-mj-01077-KBM

ORDER REVOKING CONDITIONS OF RELEASE

In accordance with the Fed. R. Crim. P. 32.1(a)(6) and 18 U.S.C. § 3143(a)(1), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Findings of Fact

- (1) The defendant is held in custody for violating probation or supervised release. *See* Fed. R. Crim. P. 32.1(a)(1).
- (2) The Court held a preliminary hearing and found probable cause for some or all of allegations of violation of probation or supervised release OR a preliminary hearing was waived by the defendant. *See* Fed. R. Crim. P. 32.1(b)(1)(A).
- (3) At the detention hearing, the defendant did not establish, nor did the court find, by clear and convincing evidence that the defendant will not flee or pose a danger to any other person or to the community if released under 18 U.S.C. § 3142(b) (personal recognizance or unsecured appearance bond) or (c) (release on conditions) pending further proceedings. *See* Fed. R. Crim. P. 32.1(a)(6); 18 U.S.C. § 3143(a)(1).
- (4) Additional findings or explanations: Defendant upon initial release was found to present a high risk of danger to the community originating in his severe substance abuse problem; release was predicated solely on the availability of substance abuse treatment under conditions of release. Defendant was clearly told, and acknowledge that he understood, that continued drug use by itself would tip the balance in favor of detention because his risk level was only minimally manageable under circumstances of complete sobriety. The Court found today that there is clear and convincing evidence of post-release use of an unlawful controlled substance, which would also be a violation of law. Therefore, the Court concludes that Defendant will not comply with the essential condition of sobriety, and also that there is no condition or combination of conditions which will reasonably protect the community if he remains released.

ORDER OF DETENTION

Therefore, pursuant to Fed. R. Crim. P. 32.1(a)(6), the defendant shall be and is ordered detained pending further proceedings.

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility pending a revocation hearing. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

Date: June 18, 2019



Jerry H. Ritter, U.S. Magistrate Judge